



REDISTRICTING

Burlington's Wards and Districts

WHAT IS REDISTRICTING?

- The Constitution provides that a census every 10 years determines the distribution of House of Representative seats. Each state gets one House seat, plus additional seats based on population. This is known as apportionment.
- Each state then must adjust its voting districts to elect the number of seats allotted by creating or changing geographic subdivisions to have relatively equal sized populations. This is known as redistricting.
- The same principles apply at each level of government, including the City of Burlington.
- Currently, all of Vermont has one US House district (which will remain the same). Burlington is divided among 7 Vermont House districts. Burlington has 8 wards and 4 districts for local electoral offices.

CONSTITUTIONAL REQUIREMENTS (1)

- Fourteenth Amendment requires one person, one vote
- Basing measurement on total population equality is the norm.
 - For municipalities, not perfect mathematical equality, but districts must be of as nearly equal population as is practicable—that is, substantial equality.
 - Measurement is by population, not voter
 - I.e., students are considered, even if they vote in another district.
 - *Evenwel v. Abbott*, 136 Sup.Ct. 1120 (2016) – Nonvoters access constituent services and take part in public debates, and representatives represent all residents.
- Other measurements might be constitutional, but no others have been approved for municipalities.
- Deviation from perfect equality allowed to serve valid government interests.

CONSTITUTIONAL REQUIREMENTS (2)

- A prima facie case of discrimination is established if there is a deviation of more than 10% between districts, although less than 10% can also be discriminatory if the effect is to limit a racial group—that is, if there is invidious discrimination.
 - A deviation of more than 10% may be allowed for states, but not usually for a municipality, if the state can
 - Articulate a reasonable government policy to justify the deviation
 - Explain how the apportionment plan advances that policy
 - Demonstrate that the resulting deviation does not exceed constitutional limits
- A deviation less than 10% is usually presumed to be constitutional.

TRADITIONAL REDISTRICTING FACTORS

- One person/one vote required by 14th Amendment
 - Population of each district as nearly equal to every other district as practicable with deviations of <10%
- Maintaining existing political subdivision lines or natural or historical boundary lines
- Compactness
- Contiguity of territory—one part of a district can't be totally separate
- Respect for communities of interest
- Providing small districts meaningful representation
- Cannot separate on the basis of race, ethnicity, religion
 - Dividing up those who share these common interests would be unconstitutional
- Use of census blocks—groupings of houses and apt buildings that are the smallest unit the census uses

VERMONT STATE REDISTRICTING STANDARDS

- 17 VSA § 1903(b) Insofar as practicable,
 - To preserve existing political subdivision lines;
 - To recognize and maintain patterns of geography, social interaction, trade, political ties, and common interests
 - To use compact and contiguous territory.
- A Vermont municipality using these state principles, in conjunction with other constitutional standards, would likely meet constitutional standards

BURLINGTON'S 2010 EVALUATION CRITERIA

- Total number of councilors divided by population
- Number of wards
- Keep geographic areas intact
- Minimize the population difference between wards
- Boundaries follow major roads as much as possible
- Academic institutions should be in more than one ward
- Ward size matters for citizen communication and campaigning
- Minimize changes from current wards
- Relationship to state districts
- Overall deviation less than 10%

REDISTRICTING PROCESS

- Review census results and determine if redistricting is needed.
- Establish evaluation criteria and keep record of how they are met
- Use GIS software to review maps and apply evaluation criteria
- Timeline—expected as soon as possible following census
 - Need for charter change
 - Public hearings and warnings
 - Voter approval
 - Legislative action
 - Governor's approval